

## **Town Board Minutes**

April 16, 2012

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of April 2012 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** RONALD RUFFINO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
GEORGE PEASE, ASST. CODE ENFORCEMENT OFFICER  
TERRENCE MCCracken, GENERAL CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
MARCO LAURIENZO, POLICE CAPTAIN

### **EXECUTIVE SESSION:**

AT 8:42 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

At 8:58 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel,** spoke to the Town Board on the following matters:

- Questions regarding Amendment to Code, Local Law, requiring silt fencing.
- Questions regarding Highway equipment.

**Chowaniec, Lee,** spoke to the Town Board on the following matters:

- Comments regarding the need for silt fencing during building of Subdivisions.
- "Right to Farm Law"

**Fronczak, Mike,** spoke to the Town Board on the following matters:

- Management of and funding of Lancaster Rural Cemetery.
- Questions regarding van for Youth Bureau.

**Kazmierczak, Tom,** spoke to the Town Board on the following matter:

- Suggests that the Town does not support the Lancaster Rural Cemetery.

**Symer, Donald,** spoke to the Town Board on the following matters:

- Appropriation to Lancaster Rural Cemetery and requests that dogs, other than Seeing Eye Dogs be banned from the Cemetery.
- Asked that the financial records of the Lancaster Rural Cemetery be reviewed by the Town.

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held April 2, 2012 and the Regular Meeting of the Town Board held April 2, 2012 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 24733 to Claim No. 24937 Inclusive

Total amount hereby authorized to be paid: \$393,250.50

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPNIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**  
 (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
 (CSW) = Conditional sidewalk waiver  
 (V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure	Village
20001		Sahlems Roofing & Siding Inc	777 Aurora St	Re-Roof	
20002		Sahlems Roofing & Siding Inc	293 Enchanted Forest N	Re-Roof	
20003		Storm Roofing	8 Butler Dr	Re-Roof	
20004		George Gilbert	287 Iroquois Ave	Re-Roof	
20005		Newstead Homes	29 Fieldstone Ln	Re-Roof	
20006		Newstead Homes	29 Fieldstone Ln	Er. Res. Add.	
20007		Newstead Homes	29 Fieldstone Ln	Er. Res. Alt.	
20008		Dalton, Scott & Gayle	3 Stream View Ln	Er. Shed	
20009		Susan Payne	553 Pleasant View Dr	Er. Deck	
20010		The Pool Guy	47 Sagebrush Ln	Er. Pool-Abv Grnd	
20011		Marshall Keith & Michelle	40 Michael's Walk	Re-Roof	
20012		F&D Construction Inc.	22 W Payne St	Re-Roof	(V/L)
20013		F&D Construction Inc.	11 Wendtworth Ct	Re-Roof	
20014		Marrano/Marc Equity Corp	12 Wetherby Way	Er. Dwlg.-Sin.	
20015		Alliance Homes	44 Tranquility Trl	Er. Dwlg.-Sin.	
20016		John Christopher	15 Chicory Ln	Er. Res. Alt.	
20017		Colley's Pool Sales, Inc.	167 Siebert Rd	Er. Pool-In Grnd	
20018		Colley's Pool Sales, Inc.	167 Siebert Rd	Er. Fence	
20019		D. Allen & Son Contracting	57 Carter St	Re-Roof	(V/L)
20020		Independent Contractors, Inc	139 Nichter Rd	Re-Roof	
20021		Christian & Lisa Voigt	71 Stony Brook Dr	Er. Pool-Abv Grnd	
20022		Todd & Deidre Miklas	92 Lake Ave	Er. Fence	(V/L)
20023		Beauty Pools, Inc.	496 Pleasant View Dr	Er. Pool-In Grnd	
20024		Don Jelonek	5428 William St	Er. Shed	
20025		John Mielko	3542 Walden Ave	Re-Roof	
20026		All Star Fence	2 Nicholas Ln	Er. Fence	
20027		United Home Improvement Co	54 Newberry Ln	Re-Roof	
20028		Parke Home Improvements	46 Pleasant View Dr	Re-Roof	
20029		James & Maureen Davie	31 Quail Run Ln	Re-Roof	
20030		Besroi Construction	97 Olde Stone Ln	Re-Roof	
20031		Neth & Sons, Inc.	27 Via Donato W	Re-Roof	
20032		SE Knight Construction	173 Court St	Dem. Bldg	(V/L)
20033		VOID	VOID	VOID	
20034		Paul F. Haas	18 Ronald Dr	Er. Fence	
20035		Joanne Cassick	11 Sterling Pl	Er. Pool-Abv Grnd	
20036		Joanne Cassick	11 Sterling Pl	Er. Fence	
20037		Ryan Homes - NVR Inc.	666 Pleasant View Dr	Er. Dwlg.-Sin.	
20038		Sahlems Roofing & Siding Inc	261 Enchanted Forest N	Re-Roof	
20039		Switala's Siding Center	5 Regency Ct	Re-Roof	

20040	Stockmohr Col. Inc.	40 Deerpath Dr	Re-Roof	
20041	Stockmohr Col. Inc.	14 Village View	Re-Roof	
20042	R.J. Zima, Inc.	13 Nottingham Ln	Inst. Ingrnd. Sprinkler	
20043	Turf-Tec of W.N.Y. Inc.	23 Worthington Ln	Inst. Ingrnd. Sprinkler	
20044	Dennis & Cheryl Hart	342 Schwartz Rd	Re-Roof	
20045	Jerome Monile Jr.	5096 William St	Er. Deck	
20046	Storm Roofing	12 Bentley Cir	Re-Roof	
20047	Alan Rozansky	10 Sterling Pl	Er. Shed	
20048	James & Suzanne Pace	41 Rue Madeleine Way	Er. Fence	
20049	Ronald & Noreen Jakubik	52 Bowen Ave	Er. Fence	(V/L)
20050	Sahlems Roofing & Siding	44 Woodgate Dr	Re-Roof	
20051	Sahlems Roofing & Siding	10 Chapin Cir	Re-Roo	
20052	F & D Construction Inc.	127 Michael's Walk	Re-Roof	
20053	Besroi Construction	19 Ravenwood Dr	Re-Roof	
20054	Robert & Susan Rauscher	1 Charlton Pl	Er. Fence	
20055	Joseph Magiera	58 Garfield St	Er. Fence	(V/L)
20056	Loren & Amber Baker	29 Wilkshire Pl	Er. Fence	(V/L)
20057	Sigmund & April Domanowski	171 Schwartz Rd	Er. Fence	
20058	R.J. Zima, Inc.	3920 Bowen Rd	Inst. Ingrnd. Sprinkler	
20059	Jack & Marie Macholz	21 Brunck Rd	Er. Deck	
20060	Frank & Diann Lutz	20 Riemers Ave	Er. Shed	
20061	Linda Gruenthaner	321 Iroquois Ave	Er. Fence	
20062	The Maple Guy Construction	22 Traceway	Re-Roof	
20063	Stockmohr Col. Inc.	32 Village View	Re-Roof	
20064	Stockmohr Col. Inc.	314 Enchanted Forest N	Re-Roof	
20066	Paul & Ellen Lista	87 Central Ave	Er. Fence	(V/L)
20067	Brian J. Stanek	400 Seneca Pl	Er. Res. Add.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated April 3, 2012 has requested the addition of members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

**ADDITIONS**

Samuel Magistrale	Lucas Schaefer
Lancaster, New York	Depew, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Wm. Schutt & Associates, P.C., the Town of Lancaster's consulting engineer, has requested that the Town Board authorize an invitation to bid for the Consolidated Water District Water System Improvements Contract No. TLN-6 Schwartz Road from William Street to Hall Road, and

**WHEREAS**, the watermain replacement includes the installation of 10 (ten) new fire hydrants and the removal of 10 (ten) existing fire hydrants, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law Section 103 of the State of New York;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bid for Contract No. TLN-6, said bids to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on May 10, 2012 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012



**TOWN OF LANCASTER  
ERIE COUNTY, NEW YORK**

**CONSOLIDATED WATER DISTRICT  
WATER SYSTEM IMPROVEMENTS  
CONTRACT NO. TLN-6 – SCHWARTZ ROAD**

**NOTICE TO BIDDERS**

Please take notice that the Lancaster Town will receive sealed bids until 10:00 A.M. on the 10<sup>th</sup> day of May, 2012, at the office of the Town Clerk in the Town Hall, 21 Central Avenue Lancaster, New York, at which time they will be publicly opened and read aloud for CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-6 – SCHWARTZ ROAD. The Project consists of the replacement of approximately 6,350 linear feet of waterline on Schwartz Road.

Contract Documents may be examined at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086 and at the offices of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086, between the hours of 9:00 A.M. and 4:00 P.M. beginning April 19, 2012 except Saturdays, Sundays, and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - "CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-6 – SCHWARTZ ROAD" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman  
Town Clerk  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

ENGINEER  
Wm. Schutt & Associates, P.C.  
37 Central Avenue  
Lancaster, New York 14086  
(716) 683-5961

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER, NY**

Johanna Coleman  
Town Clerk

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Michael Metzger, of Metzger Civil Engineering, has prepared and submitted a site plan for Greenfield Terrace on behalf of Greenfield Community/Niagara Lutheran Health System, dated May 20, 2011 with a final revision date of March 19, 2012 and received March 27, 2012 for the proposed construction of seven (7) residential structures including driveways and parking areas as part of the continuum of care for Greenfield Health Center located at 5979 Broadway, in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was approved at their August 3, 2011 meeting, and

**WHEREAS**, a SEQR Review of this project was held April 2, 2012 and a negative declaration was issued at that time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan prepared and submitted by Michael Metzger of Metzger Civil Engineering for Greenfield Terrace on behalf of Greenfield Community/Niagara Lutheran Health System, dated May 20, 2011 with a final revision date of March 19, 2012 and received March 27, 2012 for the proposed construction of seven (7) residential structures including driveways and parking areas as part of the continuum of care for Greenfield Health Center located at 5979 Broadway, in the Town of Lancaster, with the following condition:

- 1) The Town must receive an executed copy of the Pond and Fountain Easement Agreement between Niagara Lutheran Health System, Inc. (Greenfield) and Cayuga Heights Holding Corporation (Lancaster Country Club) before a building permit is issued by the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2012, entitled "ZONING REVISION", which will amend the Code of the Town of Lancaster by amending Section 50-43(B) and adding Section 50-43(B) (22) within Chapter 50 "ZONING", Section 43 "Site Plan Review" of the Code of the Town of Lancaster, which reads as follows:

## **Chapter 50**

### **ZONING**

#### **Section 50-43, Site Plan Review**

##### **Proposed**

##### **Local Law**

##### **Of the Year 2012**

**A LOCAL LAW OF THE YEAR 2012 ENTITLED "ZONING REVISION", WHICH AMENDS THE CODE OF THE TOWN OF LANCASTER BY AMENDING SECTION 50-43(B) AND ADDING SECTION 50-43(B)(22) REQUIRING SILT FENCING BE INSTALLED AT THE TIME OF EXCAVATION TO PREVENT SILTATION OF MATERIALS INTO A RETENTION, DETENTION, DRAINAGE DITCH OR STREAM.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

The Code of the Town of Lancaster is hereby amended by enacting the Local Law of the Year 2012 entitled "Zoning Revision" which adds Section 50-43(B) (22) which reads as follows:

#### **§50-43. Site Plan Review**

**B.** Site plan required information. The contents of the site plan shall be approved by the Supervising Code Enforcement Officer prior to filing. The number of copies shall be determined by the Code Enforcement Officer. Upon approval, the submitted plan with payment shall be filed with the Town Clerk. The department of Code Enforcement will distribute the required number of site plans to officials and agencies for their review and recommendations. The site plan, which shall be prepared by a licensed engineer, architect, landscape architect, surveyor or attorney, shall include the following items as marked

(1) – (22) as applicable to the site plan submitted.

*(22) Silt Fencing shall be installed at the curb line at the time of excavation of a lot in a subdivision serviced by a Town of Lancaster Storm Sewer System. The Town of Lancaster, Department of Code Enforcement may direct an additional silt fence to be installed on any building lot in the Town of Lancaster to prevent the siltation of materials into a retention, detention, drainage ditch or stream. All Silt Fencing shall be installed in accordance with the New York State Department of Environmental Conservation (NYSDEC) Storm-water Design Manual.*

#### **NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2012, entitled "Zoning Revision" which Local Law adds Sections 50-43(B)(22) within Chapter 50 "Zoning", Section 43 "Site Plan Review" of the Code of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:15 o'clock P.M., Local Time, on the 7<sup>th</sup> day of May, 2012, and that Notice of the Time and Place of such Hearing shall be published, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2012, entitled "Zoning Revision" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 16, 2012, the said Town Board will hold a Public Hearing on the 7<sup>th</sup> day of May, 2012 at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2012, entitled "Zoning Revision", and further designated as Chapter 50, "Zoning", Section 43, "Site Plan Review" of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW WHICH WILL AMEND THE CODE OF THE TOWN OF LANCASTER BY AMENDING SECTION 50-43(B) AND ADDING SECTION 50-43(B) (22) REQUIRING THAT SILT FENCING BE INSTALLED AT THE TIME OF EXCAVATION TO PREVENT SILTATION OF MATERIALS INTO A RETENTION, DETENTION, DRAINAGE DITCH OR STREAM."**

A complete copy of this proposed Local Law of the Year 2012, entitled "Zoning Revision" and designated as Chapter 50, "Zoning", Section 43, "Site Plan Review", of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
Town Clerk

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has been notified by the Lancaster Rural Cemetery Association by its letter dated February 2, 2012, that it is experiencing financial difficulty and now seeks a contribution from the Town for its operating expenses for the year 2012 in sum of \$10,000, and

**WHEREAS**, the Town Board has reviewed this matter and further has discovered that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, which would place a significant financial burden on town taxpayers, and

**WHEREAS**, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$10,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the before-mentioned cemetery. The payments shall be dispersed in two (2) equal amounts of \$5,000 each and be made during the months of May and October in the year 2012.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

**WHEREAS**, a proposed Local Law of the Year 2012 entitled "FIREWORKS AND EXPLOSIVES", and further designated as Chapter 3 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Abraham on the 19<sup>th</sup> day of March, 2012, and

**WHEREAS**, a Public Hearing was duly called and held pursuant to law on April 2, 2012;

**NOW, THEREFORE, BE IT**

**ENACTED**, by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 2012, entitled "FIREWORKS AND EXPLOSIVES" and designated as Chapter 3 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:



**FIREWORKS AND EXPLOSIVES**

Local Law No. 1  
Of the Year 2012

**A LOCAL LAW TO CARRY OUT THE AUTHORITY GRANTED TO THE TOWN UNDER NEW YORK PENAL LAW SECTION 405.00 TO REQUIRE PERMITS FOR FIREWORKS DISPLAYS, AND TO REGULATE EXPLOSIVES.**

**FIREWORKS AND EXPLOSIVES**

- §3 - 1. Legislative Intent and Purpose**
- §3 - 2. Definitions**
- §3 - 3. Prohibitions**
- §3 - 4. Permits for Fireworks Displays**
- §3 - 5. Applications for Permits**
- §3 - 6. Limitation on Location**
- §3 - 7. Insurance**
- §3 - 8. Permit Fee**
- §3 - 9. Penalties for Offenses**
- §3 -10. Effective Date**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, New York as follows:

**§3 -1. Legislative Intent and Purpose**

The purpose of this Local Law is to carry out the authority granted to the Town under N.Y. Penal Law § 405.00 to require permits for fireworks displays, and to regulate explosives.

**§3 -2. Definitions**

- 1. FIREWORK** - A device consisting of a combination of explosives and combustibles, set off to generate colored lights, smoke, and noise for amusement.
- 2. EXPLOSIVE** - A reactive substance that contains a great amount of potential energy that can produce an explosion if released suddenly, usually accompanied by the production of light, heat, sound and pressure.

**§3 -3. Prohibitions**

- A.** No person or persons, firm, partnership or corporation shall keep for sale, offer for sale, distribute, give away or have in his, their or its possession any container whatever, for use within the Town of Lancaster (exclusive of the Villages of Lancaster and Depew), Erie County, New York, which shall contain dynamite, giant powder, nitroglycerin, or other explosives more powerful than ordinary black gunpowder.
- B.** No person or persons, firm, partnership or corporation shall keep for sale, offer for sale, distribute or give away for use within the Town of Lancaster (exclusive of the Villages of Lancaster and Depew) any fireworks, including firecrackers, that are likely to maim or injure any person by the explosion thereof.

C. No person or persons, firm, partnership or corporation shall keep for sale, offer for sale, distribute or give away for use within the Town of Lancaster (exclusive of the Villages of Lancaster and Depew), any fireworks by definition, as expressly stated in Penal Law: Article 270; Other Offenses Relating to Public Safety; Sections 270-270.35 without a written permit issued by Town Clerk of the Town of Lancaster.

**§3 -4. Permits for Fireworks Displays**

The Chief of Police may approve a permit to be issued by the Town Clerk for the display of fireworks to municipalities, fair associations, amusement parks, persons, or organizations of individuals that submit an application in writing. The application for such permit shall set forth:

- (a) The name of the body sponsoring the display and the names of the persons actually to be in charge of the firing of the display who shall possess a valid certificate of competence as a pyrotechnician as required under the general business law and article sixteen of the labor law. The permit application shall further contain a verified statement from the applicant identifying the individuals who are authorized to fire the display including their certificate numbers, and that such individuals possess a valid certificate of competence as a pyrotechnician.
- (b) The date and time of day at which the display is to be held.
- (c) The exact location planned for the display.
- (d) The number and kind of fireworks to be discharged.
- (e) The manner and place of storage of such fireworks prior to the display.
- (f) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
- (g) Upon approval of the application, the applicant must make notice to senior facilities and other residential facilities as directed by the Chief of Police.
- (h) Such other information as the Chief of Police may deem necessary to protect persons or property.

**§3 -5. Applications for Permits**

- A. All applications for permits for the display of fireworks shall be made at least ten (10) days in advance of the date of the display and the permit shall contain provisions that the actual point at which the fireworks are to be fired be in accordance with the rules promulgated by the commissioner of labor pursuant to section four hundred sixty-two (§462) of the labor law and that all the persons in actual charge of firing the fireworks shall be over the age of eighteen (18) years, competent and physically fit for the task, that there shall be at least two (2) such operators constantly on duty during the discharge and that at least two (2) approved type fire extinguishers shall be kept at as widely separated points as possible within the actual area of the display.
- B. Applications will be obtained from the Town Clerk's Office and shall be submitted in four (4) copies to the Town Clerk, who shall forward to the Chief of Police, Code Enforcement Officer and Fire Chief.
- C. No permit granted and issued hereunder shall be transferable.

**D.** Upon approval, the Chief of Police will notify the Town Clerk by formal letter and the Town Clerk shall issue said permit to the applicant. After such permit having been granted, sales, possession, use and distribution of fireworks for such display shall be lawful.

**E.** Any denial of a permit shall include a written statement from the Chief of Police to the Town Clerk stating the reasons for denial. The Town Clerk shall notify the applicant of the denial and provide reasons supporting that decision in writing.

**F.** Inspections. The Code Enforcement Officer and Fire Chief of the applicable fire district shall inspect the subject premises prior to the issuance of a permit and it shall be the duty of the Fire Chief, after such permit has been issued, to inspect the premises wherein said display will take place to see that the execution of the work so authorized by said permit shall be done in conformity with the approved plans and specifications and the existing standards, rules and regulations applicable thereto.

### **§3 -6. Limitation on Location**

Notwithstanding the provisions of subdivision three of this Local Law, no permit may be issued to conduct a display of fireworks upon any property where the boundary line of such property is less than five hundred (500) yards from the boundary line of any property which is owned, leased or operated by any breeder as defined in subdivision four of section two hundred fifty-one (§251) of the New York racing, pari-mutuel wagering and breeding law.

### **§3 -7. Insurance**

Before the granting and issuing of a permit for a display of fireworks as herein provided, the applicant shall provide a Certificate of Insurance (unless the applicant is a state park, county park, city, village or town), in a sum to be fixed by the Police Chief, which, however, shall not be less than one million dollars, conditioned for the payment of all damages, which may be caused to a person or persons or to property, by reason of the display so permitted and arising from any acts of the permitted, his or her agents, employees, contractors or subcontractors. Such insurance shall run to the Town of Lancaster and shall be for the use and benefit of any person or persons or any owner or owners of any property so injured or damaged, and such person or persons or such owner or owners are hereby authorized to maintain an action thereon, which right of action also shall accrue to their heirs, executors, administrators, successors or assigns of such person or persons or such owner or owners. The Insurance requirement shall be: Commercial General Liability, one million (\$1,000,000.) each occurrence, Auto Liability one million (\$1,000,000.) each accident, Umbrella (Minimum \$1,000,000.), workers compensation and NYS Disability Insurance. The Town must be named as an Additional Insured and an indemnification agreement included.

### **§3 -8. Permit Fee**

The non-refundable Fireworks Permit Fee, shall be set at one-hundred dollars (\$100), which may be amended by resolution of the Town Board

### **§3 -9. Penalties for Offenses**

**A.** Any violation by a person, firm, partnership or corporation of any provision of this chapter shall be deemed a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment for a period not to exceed one (1) year, or both.

**B.** Any person who takes part in or assists in any violation of this chapter shall also be subject to the penalties provided herein.

**C.** Each day that a violation of this chapter is committed or permitted to exist shall constitute a separate offense.

**§3 -10. Effective Date**

This Local Law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

**BE IT FURTHER  
RESOLVED**, that the Town Clerk of the Town shall:

- A. Immediately post a copy of the Local Law of the Year 2012 on the Town Bulletin Board, and
- B. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and
- C. Maintain a file in the Town Clerk's office on Local Law of the Year 2012, with all proof of publication and posting required for adoption, and
- D. File certified copies of Local Law of the Year 2012 within ten (10) days of adoption with:
  - a) Town Clerk's Office
  - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

**LEGAL NOTICE**  
**NOTICE OF ADOPTION**  
**LOCAL LAW NO. 1**  
**OF THE YEAR 2012**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 16, 2012, Local Law No. 1 of the Year 2012, entitled: "FIREWORKS AND EXPLOSIVES", briefly described as follows:

**"A LOCAL LAW TO CARRY OUT THE AUTHORITY GRANTED TO THE TOWN UNDER NEW YORK PENAL LAW SECTION 405.00 TO REQUIRE PERMITS FOR FIREWORKS DISPLAYS, AND TO REGULATE EXPLOSIVES."**

April 16, 2012

**STATE OF NEW YORK   :**  
**COUNTY OF ERIE       :**       **ss:**  
**TOWN OF LANCASTER   :**

**THIS IS TO CERTIFY**, that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of the Local Law of the Year 2012, with the original thereof filed in my office at Lancaster, New York, on the 16<sup>th</sup> day of April, 2012, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 16<sup>th</sup> day of April, 2012.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

PREFILED RESOLUTION NO. 10 MEETING OF 4/16/12

Fudoli/ \_\_\_\_\_ Award Bid For 2012 Chevrolet Express 12 Passenger Van To Joe Basil  
Chevrolet Inc.

At the request of Supervisor Fudoli, this resolution was withdrawn.

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau by letter dated April 10, 2012, has recommended appointments for two regular part-time tutors for the Town of Lancaster Youth Bureau.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed to the position of tutor regular part-time in the Town of Lancaster Youth Bureau effective April 16, 2012, and that these being part-time positions, provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
April Gontarek (new hire) Lancaster, New York 14086	Tutor	\$10.00/hr.
Kelly Faxlanger (new hire) Depew, New York 14043	Tutor	\$10.00/hr.

**BE IT FURTHER,**

**RESOLVED**, that Supervisor of the Town of Lancaster takes the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, in a letter dated April 3, 2012, has advised the Town Board that the Highway Department no longer has use for a 1998 Chevrolet C2500 Pick up Truck (VIN# 1GCGC24R8WE223389), a 1988 Badger, Model 666 Hydroscopic Excavator (Serial #222051), a 2000 J and J Dump Body and a 1999 Heil Dump Body and has requested that the Town Board therefore deem these items to be surplus equipment and permit the Highway Superintendent to offer this equipment at an online auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit placement of said items on an online auction;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned 1998 Chevrolet C2500 Pick up Truck (VIN# 1GCGC24R8WE223389), a 1988 Badger, Model 666 Hydroscopic Excavator (Serial #222051), a 2000 J and J Dump Body and a 1999 Heil Dump Body; to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, 808 Borden Road, Buffalo, New York 14227 beginning the week of April 16, 2012 with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012



**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Board of the Town of Lancaster has the following equipment as surplus equipment:

1998 Chevrolet C2500 Pick up Truck (VIN# 1GCGC24R8WE223389), a 1988 Badger, Model 666 Hydroscopic Excavator (Serial #222051), a 2000 J and J Dump Body and a 1999 Heil Dump Body.

This surplus equipment and will be auctioned at an online auction with Auctions International, 808 Borden Road, Buffalo, New York 14227 during the week of April 16, 2012.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

TOWN BOARD  
TOWN OF TOWN OF LANCASTER

By: JOHANNA M. COLEMAN  
TOWN CLERK

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster by letter dated March 30, 2012 has requested the purchase of one (1) new and unused 2012 Ford F150 XL Cab Long Box 2WD Pick-up Truck with Spray on Bedliner for the use of the Highway Department, and

**WHEREAS**, this truck is available from a New York State Bid Contract which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of said truck;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new and unused 2012 Ford F150 XL Cab Long Box 2WD Pick-up Truck with Spray on Bedliner from the 2012 authorized state bid contractor Van Bortel Ford, 71 Marsh Road, East Rochester, New York 14445 under State Bid Contract PC65030SB, as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed the state contract price of \$17,160.07 which sum shall be paid with funds available in the 2012 Highway Department budget, line item 01-8160-0225 (Miscellaneous Equipment).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster by letter dated March 30, 2012 has requested the purchase of one(1) new and unused 2012 Ford F150 XL Cab Long Box 2WD Pick-up Truck for the use of the Highway Department, and

**WHEREAS**, this truck is available from a New York State Bid Contract which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of said truck;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one(1) new and unused 2012 Ford F150 XL Cab Long Box 2WD Pick-up Truck from the 2012 authorized state bid contractor Van Bortel Ford, 71 Marsh Road, East Rochester, New York 14445 under State Bid Contract PC65030SB, as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed the state contract price of \$16,708.82 which sum shall be paid with funds available in the 2012 Highway Department budget, line item 01-8160-0225 (Miscellaneous Equipment).

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated April 3, 2012 has requested authorization to solicit bids for the purchase of One (1) new and unused 2012 Chevrolet 2500 HD Four Wheel Drive, Extended Cab, Short Bed Pick-up Truck, for the use of the Highway Department, and

**WHEREAS**, the purchase will be paid for with funds from the 2012 Highway budget under item 13-5110-0220 (Passenger Vehicles), and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public's interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That Bids be received in the Office the Town Clerk by May 3, 2012, at 10:00 A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing One (1) new and unused 2012 Chevrolet 2500 HD Four Wheel Drive, Extended Cab, Short Bed Pick-up Truck, for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and
- 2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 3rd day of May, 2012, for the purpose of providing to the Town of Lancaster One (1) new and unused 2012 Chevrolet 2500 HD Four Wheel Drive, Extended Cab, Short Bed Pick-up Truck, for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five (5%) of the Total Gross Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE TOWN  
OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

April 16, 2012

Council Member Abraham requested a suspension of the necessary rules for immediate consideration of the two following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM,  
SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids for the purchase of one  
(1) new and unused 2012 Chevrolet Express 12 Passenger Van RWD 2500 135" 1LS C, and

**WHEREAS**, bids were received, opened and reviewed on April 5, 2012, and

**WHEREAS**, the Town Of Lancaster can get the same van from the New York State bid  
list for less than what the bids came in at, and,

**WHEREAS**, the Town Board, after due review has determined to execute its right reserved  
in the bid documents, to reject all bids received for the purchase of one (1) new and unused 2012 Chevrolet  
Express Passenger Van RWD 2500 135" 1LS C;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby rejects all bids  
received on April 5, 2012 for the purchase of one (1) new and unused 2012 Chevrolet Express Passenger  
Van RWD 2500 135" 1LS C, pursuant to the rights reserved to the Town in bid documents and directs the  
clerk to so advise the bidders and return any bid bond posted in accordance with the bid specifications.

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town Board has previously duly advertised for bids for the purchase of one (1) new and unused 2012 Chevrolet Express 12 Passenger Van RWD 2500 135" 1LS C, and

**WHEREAS**, bids were received, opened and reviewed on April 5, 2012, and

**WHEREAS**, the Town Board, after due review has determined to execute its right reserved in the bid documents, to reject all bids received for the purchase of one (1) new and unused 2012 Chevrolet Express Passenger Van RWD 2500 135" 1LS C, and

**WHEREAS**, the Town of Lancaster can purchase the same new and unused 2012 Chevrolet Express 12 Passenger Van RWD 2500 135" 1LS C through a New York State Bid Contract;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new and unused 2012 Chevrolet Express 12 Passenger Van RWD 2500 135" 1LS C from the 2012 authorized New York State Bid Contractor Hoselton Chevrolet 909 Fairport Road, East Rochester, New York 14445 for a total purchase price not to not to exceed \$21,000.00, said purchase price to include the base price of \$18,677.82 plus all necessary fees and options noted in the attached bid specifications;

**BE IT FURTHER**

**RESOLVED**, that the payment for the van shall be made from funds available in the 2012 Budget of the Lancaster Youth Bureau line number A7310.225

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR FUDOLI	VOTED YES

April 16, 2012

**SPECIFICATIONS FOR A NEW AND UNUSED  
2012 MODEL YEAR  
12 PASSENGER CHEVROLET EXPRESS VAN RWD 2500 135" 1LS C  
WITH ALL STANDARD EQUIPMENT PLUS THE FOLLOWING OPTIONS**

1. Base vehicle price.
2. Color shall be white.
3. Power package shall include power windows, power door locks, heated power mirrors with turn signal indicators.  
Convenience package also included.
4. Rear heating & air conditioning.
5. Heavy duty rear locking differential.
6. Standard GM Warranty.



## **Communications & Reports**

- 135. Supervisor to Joseph Maciejewski, Director Real Property Tax Services –  
Request for extension of warrant to collect 2012 County/Town taxes.  
Disposition = Received & Filed**
- 136. Brenda Jankowski to Supervisor –  
Request to be considered for position on the Town of Lancaster Board of Ethics.  
Disposition = Received & Filed**
- 137. Gloria Chaves to Supervisor –  
Invitation to observance of National Day of Prayer on Thursday, May 3, 2012.  
Disposition = Town Board**
- 138. David Christopher, NYSDOT to Supervisor –  
Response to February 8, 2012 letter and notification of capital paving project to  
repave NY Route 33, Genesee St. from Harris Hill Road to Genesee County  
Line beginning March 2012 to July 2012. Disposition = Planning Board Chairman  
& Highway Superintendent**
- 139. Peter Campanella, Leg. Coordinator of A.B.A.T.E. to Town Board –  
Notice that May is Motorcycle Safety Awareness Month and invitation to speak  
at annual event on May 5, 2012. Disposition = Received & Filed**
- 140. Dennis & Cheryl Hart to Supervisor –  
Concerns with water main between Hall Road and William Street on Schwartz  
Road. Disposition = Town Engineer**
- 141. Mark Shepard to Town Clerk –  
Request to be considered for position on the Town of Lancaster Board of Ethics.  
Disposition = Received & Filed**
- 142. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDOT on Greenfield Terrace, 5979 Broadway.  
Disposition = Planning Committee**
- 143. Erie County Division of Planning to Town Clerk –  
Reply to proposed Local Law Right to Farm. Disposition = Town Board**
- 144. Town Clerk to Town Board –  
Copy of second settlement payment to Erie County for 2012 County/Town Tax  
Warrant. Disposition = Received & Filed**
- 145. Supervisor to Town Board, Town Engineer Robert Harris –  
Correspondence regarding Schwartz Road Water Main.  
Disposition = Town Engineer**
- 146. Bowmansville Volunteer Fire Association to Town Clerk –  
Request for change to roster. Disposition = Resolution 4/16/2012**
- 147. David Hoch to Supervisor –  
Request for permission to hold Depew-Lancaster Boys and Girls Club 35<sup>th</sup>  
Annual 10K Race on Wednesday, July 4, 2012. Disposition = Police Chief**
- 148. Darrell Kaminski, NYSDOT to Town Clerk –  
Response to Town Board resolution on hydrofracturing.  
Disposition = Received & Filed**
- 149. Thomas Dearing, Erie County Dept. of Environment & Planning to Erie County  
Community Development-Consortium –  
Community Development Block Grant Report (Cumulative) – 4/01/11 – 3/31/ 12  
Disposition = Received & Filed**

150. Supervisor to Capt. Marco Laurienzo –  
Transmittal of letter from Aaron McDonald requesting “Watch for Children at Play” signs to be installed on Fieldstone Lane. Disposition = Received & Filed
151. Supervisor to Capt. Marco Laurienzo –  
Transmittal of letter from Kate & Chris Vendetti requesting “Watch for Children at Play” and “No Outlet” signs to be installed on Sussex Lane. Disposition = Received & Filed
152. Erie County Dept. of Senior Services to Supervisor  
Request for nominations for 2012 Senior of the Year Award.  
Disposition = Town Board
153. Paradigm Services to Town Clerk –  
Notice of Annual Pipeline Safety Program to be held Monday, May 7, 2012, 5:30PM at Hearthstone Manor, Depew, NY. Disposition = Building Inspector, Town Engineer, Planning Board Chairman
154. Town Clerk to Town Board –  
Monthly report for March 2012. Disposition = Received & Filed
155. Lancaster Village Clerk to Town Clerk –  
Minutes from March 26, 2012 meeting of Village of Lancaster Board of Trustees  
Disposition = Received & Filed
156. Executive Director of Youth Bureau to Town Board –  
Request resolution to hire two regular part-time tutors.  
Disposition = Resolution 4/16/2012
157. Executive Director of Youth Bureau to Town Board –  
Request that Town Board award the for the purchase of a new 12 passenger Chevrolet van to Joe Basil Chevrolet, Inc. Disposition = Received & Filed
158. Attorney Sean Hopkins to Kevin Lemaster –  
Follow up to conversation after Planning Board meeting on April 4, 2012 regarding proposed NOCO Project. Disposition = Planning Committee
159. Attorney Sean Hopkins to Planning Board Chairman –  
Thank you for opportunity to provide information at informal presentation for proposed NOCO project and intention to file site plan application, special use permit application and Part I of long form EAF in the near future.  
Disposition = Planning Committee
160. Georgia Schlager to Town Board –  
Letter of support for approval of Greenfield Terrace project.  
Disposition = Planning Committee
161. Richard Young to North Point Free Will Baptist Church –  
Copy of letter of appreciation for generous effort made by a group of young people associated with North Point Free Will Baptist Church .  
Disposition = Received & Filed
162. Arbor Day Foundation to Supervisor –  
News from Arbor Day Foundation announcing Lancaster Named Tree City USA. – Disposition = Received & Filed
163. Paul Friedrich to Town Clerk and Town Board -  
Letter requesting change be made to the Town regulation regarding size of parcel necessary for farming. Disposition = Building Inspector & Town Attorney

- 164. Planning Board Chairman to Planning Board Members, Town Board Members, Town Engineer, Town Attorney, Town Highway Superintendent, Building Inspector –**  
**Draft copy of minutes from April 4, 2012 Planning Board meeting.**  
**Disposition = Received & Filed**
- 165. Highway Superintendent to Town Board –**  
**Request for resolution deeming 4 vehicles as surplus equipment to be put in an online auction. Disposition = Resolution 4/16/2012**
- 166. Highway Superintendent to Town Board –**  
**Request for resolution to purchase a new 2012 Ford F150 XL pick-up truck off the NYS contract bid list. Disposition = Resolution 4/16/2012**
- 167. Highway Superintendent to Town Board –**  
**Request for resolution to advertise for bids for a new 2012 Chevrolet 2500 HD Four Wheel Drive pick-up truck. Disposition = Resolution 4/16/2012**
- 168. Highway Superintendent to Town Board –**  
**Request for resolution to purchase a new 2012 Ford F150 XL pick-up truck off the NYS contract bid list. Disposition = Resolution 4/16/2012**
- 169. Supervisor to Town Board, Town Clerk, Chief of Police, Highway Superintendent, Town Attorney –**  
**Memo regarding “Ride for Missing Children, Buffalo.”**  
**Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED  
BY COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at  
8:58 P.M. in memory of Persephone Greanoff and Eileen Rita Fohl.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk